

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

RONALD J. HOLLEMAN,  
TDCJ #297567,  
Plaintiff,

v.

LT. MCKEE, *et al.*,  
Defendants.

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CIVIL ACTION NO. H-05-0178

**ORDER FOR A MARTINEZ REPORT**


State inmate Ronald J. Holleman has filed suit under 42 U.S.C. § 1983, alleging violations of his civil rights. Holleman proceeds *pro se*, but not *in forma pauperis*. Holleman has served the following defendants in this case: Lieutenant James McKee and Sergeant Kevin Simmons. Holleman alleges that these defendants used unreasonable, unnecessary, and excessive force against him at the Walls Unit on August 13, 2003. Holleman alleges further that these defendants then forced him to carry his own personal property to the transit bus without making a reasonable accommodation for his disability in violation of the Americans with Disabilities Act (the “ADA”).

To supplement the pleadings, and so that the Court can evaluate Holleman’s claims as required by 28 U.S.C. § 1915A, the Court **ORDERS** the defendants to provide a report for its review within **ninety (90) days** under *Martinez v. Aaron*, 570 F.2d 317 (10th Cir. 1987). *See Cay v. Estelle*, 789 F.2d 318, 323 & n.4 (5th Cir. 1986) (discussing the utility of a *Martinez* report). The report should include records, accompanied by a business-records affidavit, of any administrative grievances filed by Holleman in connection with the above-

referenced allegations, any reports prepared in response to the purported use of force on August 13, 2003, and any medical records associated with the incident in which force was used as alleged in the complaint. Alternatively, if appropriate, the defendants may elect to file a dispositive motion for summary judgment in lieu of a *Martinez* report. If the defendants file a motion for summary judgment, the plaintiff will file any response within thirty days from the date shown on the certificate of service.

The Clerk will provide a copy of this order to the parties.

SIGNED at Houston, Texas on **February 8, 2006**.



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Nancy F. Atlas  
United States District Judge